UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

OLIVER C. JOSEPH, INC.

Employer

and

Case 14-RC-12830

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

Petitioner

ORDER

Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review. The Regional Director decided this case before the Board issued its decision in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), clarifying the standard used in cases where a party argues that a proposed bargaining unit is inappropriate because it excludes certain classifications of employees. Nevertheless, the Regional Director's analysis is consistent with *Specialty Healthcare* and we would deny review here whether or not *Specialty Healthcare* applies.¹

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., September 7, 2011.

¹ Member Hayes agrees that a unit of journeymen, service technicians and lube and oil employees is an appropriate unit. However, he does not rely on the Regional Director's finding that the detail employees do not share such an overwhelming community of interest with those employees so as to compel their inclusion in the unit. Instead, Member Hayes finds that, under the traditional community of interest test, the interests of the unit are sufficiently distinct from the detail employees. In addition, Chairman Pearce and Member Hayes do not pass on the Regional Director's finding that the unit sought by the Petitioner is a craft unit from which the detail employees must be excluded.